

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

MELVIA WILSON,

Plaintiff,

v.

No. 3:20-cv-01819-JR

OPINION AND ORDER

**STATE OF OREGON, DEPARTMENT
OF HUMAN SERVICES,
MULTNOMAH COUNTY, JENNIFER
COBB, NATALIE TAYLOR, and
HEATHER KILMER,**

Defendants.

MOSMAN, J.,

On June 30, 2022, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”) [ECF 84], recommending that I deny Jennifer Cobb’s Motion to Dismiss [ECF 72] and deny Melvia Wilson’s Motion for Appointment of Counsel [ECF 74]. Wilson filed objections to the F&R on July 7, 2022 [ECF 87] and Cobb filed objections to the F&R on July 14, 2022 [ECF 88]. Upon review, I agree with Judge Russo. I DENY the Motion to Dismiss and DENY the Motion for Appointment of Counsel.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge,

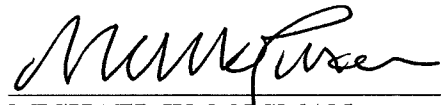
but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Russo's recommendation, and I ADOPT the F&R [ECF 84] as my own opinion. The Motion to Dismiss [ECF 72] is DENIED and the Motion for Appointment of Counsel [ECF 74] is DENIED.

IT IS SO ORDERED.

DATED this 1st day of September, 2022.


MICHAEL W. MOSMAN
Senior United States District Judge